



# INDIANA DEPARTMENT OF TRANSPORTATION

*Driving Indiana's Economic Growth*

100 North Senate Avenue  
Room N925  
Indianapolis, Indiana 46204

PHONE: (866) 849-1368  
FAX: (317) 232-5551

**Michael R. Pence, Governor**  
**Brandye L. Hendrickson,**  
**Commissioner**

## INDOT Response to the Written Comments Received April 29, 2015

INDOT held the public hearing for the proposed amendments to 105 IAC 9-4 of the Indiana Administrative Code, regarding specific service signs, on October 17, 2014. Three oral comments were submitted at the public hearing. INDOT also accepted written comments until the close of business on November 21, 2014. Eighteen written comments were submitted during the comment period for the proposed rule. All but one of the comments concern, at least in part, the provision in 105 IAC 9-4-7(a)(2) against specific service signs at freeway-to-freeway interchanges. As a result, INDOT has prepared a general response for this common concern and then an individual response to each comment.

### GENERAL RESPONSE ON SPECIFIC SERVICE SIGNS AT FREEWAY-TO-FREEWAY INTERCHANGES

After review, INDOT has determined that the existing prohibition of specific service (logo) signs at freeway-to-freeway (system) interchanges in 105 IAC 9-4-7(a)(2) should remain unchanged. INDOT has determined that logo signs would not be appropriate at system interchanges for three main reasons: [1] due to provisions in the federal Manual on Uniform Traffic Control Devices, [2] for the benefit of motorists and other road users, and [3] due to the design and operation of system interchanges. Even if INDOT had determined that the exclusion should be eliminated, the Attorney General's office has concluded that such a change cannot be made at this time – that further rulemaking would be necessary.

Many of the provisions in the logo sign rule are based on requirements or recommendations in the Manual on Uniform Traffic Control Devices (MUTCD) issued by the Federal Highway Administration (FHWA). Under 23 CFR 655.603, states must follow the MUTCD or be in substantial conformance with the provisions in the MUTCD. As a result, INDOT asked the FHWA Indiana Division Office whether logo signs might be acceptable at system interchanges and FHWA's reply, which is included here as Written Comment 17, was that this would violate the standard in Section 2J.06 of the MUTCD.

The standard in Section 2J.06 says that logo signs must be installed between the preceding interchange and the interchange from which the services are available. The placement of logo signs at a system interchange would not meet this standard because the services would not be available at that point but rather must be reached from a subsequent interchange on the other freeway.

The MUTCD standard in Section 2J.06 is not the only reason why INDOT has determined logo signs cannot be permitted at system interchanges. INDOT has also determined that this exclusion is for the benefit of motorists and other road users. Logo signs are a traffic control device and uniformity of application is an important principle for traffic control devices. Since logo signs are intended for service interchanges, their placement at a system interchange

would diminish the usefulness of the signs as motorists and other road users would be less certain that the businesses displayed are at a location from which they can conveniently reenter the freeway and continue in the same direction of travel.

Thirdly, the typical design and operation of a system interchange does not support the placement of logo signs. System interchanges normally feature a high volume of exiting and entering traffic travelling at higher speeds than at service interchanges. System interchanges often feature free flowing exit ramps with design speeds of 55 mph or more. Even a hybrid system interchange with both a freeway and non-freeway route presents a challenge when there is a single exit ramp to both the freeway and non-freeway route.

This is the case with both of the system interchanges that have triggered the comments, I-465 at Exit 31 (when complete) and I-80/94 at Exit 5, are hybrid system interchanges and both feature high speed collector/distributor exit ramps to both a freeway and a non-freeway route. While there are many advantages to this design in terms of increasing the capacity of the interchange, one disadvantage is that the design is ill-suited for the placement of logo signs. As this design requires an unfamiliar motorist to make a very quick decision on the collector/distributor ramp as to which direction is to the non-freeway route.

Finally, a change to the freeway-to-freeway provision in 105 IAC 9-4-7(a)(2) or the provision for grandfathering some signs in 105 IAC 9-4-10(c) would require further rulemaking. Under IC 4-22-2-29(b), INDOT may not adopt a final rule that substantially differs from the proposed rule unless it is a *logical outgrowth* of the proposed rule and supported by the comments received. While a change would certainly be supported by the comments received, it has been determined that a change would not be a logical outgrowth of the proposed rule.

After the public comment period, INDOT asked the Indiana Attorney General's Office for guidance on the application of the logical outgrowth test for changes between a proposed and final rule. The guidance from the Indiana Attorney General's Office indicates that a proposed rule must notify readers that an issue is "in play" in the rulemaking in order for a change to be a logical outgrowth from the proposed rule. The Proposed Rule did not indicate that the restrictions on logo sign placement in 105 IAC 9-4-7(a) were open for revision. Similarly, the proposed change to the grandfather dates in 105 IAC 9-4-10(c) of the proposed rule did not indicate that other aspects of the grandfather clause, which applies only to logo signs that do not meet spacing requirements, were open for revision. As a result, 1) changes to the freeway-to-freeway clause or 2) the grandfathering of logo signs on I-465 at Exit 31 when the interchange modification is complete are not logical outgrowths of the proposed rule and would require further rulemaking by INDOT.

Therefore, based on the MUTCD requirement, the interests of through travelers, as well as the design and operation of system interchanges, INDOT has determined that logo signs are not suited for system interchanges and will not pursue changes to the freeway-to-freeway provision in 105 IAC 9-4-7(a)(2) at this time. In addition and based on the same reasoning, at this time INDOT will not grandfather logo signs at service interchanges that are subsequently modified into system interchanges. Consequently, INDOT will not pursue changes to the grandfather clause in 105 IAC 9-4-10(c), which will continue to apply only to logo signs that do not meet spacing requirements.

## ORAL COMMENTS

### Oral Comment 1:

Brenda Myers

Executive Director, Hamilton County Tourism Inc.

Carmel, Indiana

*My name is Brenda Myers and I am the Executive Director of Hamilton County Tourism Inc.....we are the officially designated tourism bureau for Hamilton County and I'd like to speak specifically in reference.....and thank you very much for your many e-mail comments back.....in reference to the logo signage at U.S. 31 and I-465 as it relates to the new interchange there. I would like to encourage adoption of the language that allows for those signs to continue because I would argue that the eleven hotels.....soon to be fifteen hotels that are going to be on that corridor and the million and five visitors at Grant Park, and the million plus visitors who come to Carmel every year are in a situation where access on and off is not as important, as it might be for a typical interchange.....and so those are destination properties, destination hotels and so therefore getting a comfort level with the access to those properties is extremely important and so therefore makes those logos signs invaluable to the more than five thousand people who seek rooms there every week.*

### INDOT Response

The commenter is concerned about the fate of 6 logo signs on I-465 at Exit 31 for US 31 and North Meridian Street upon completion of the US 31 freeway project in Hamilton County. The commenter seeks a change to either 105 IAC 9-4-7(a)(2), which prohibits logo signs at freeway to freeway interchanges, or to 105 IAC 9-4-10(c), which sets a grandfather date for logo signs that do not meet sign spacing requirements but does address other nonconforming signs. INDOT's position regarding changes to 105 IAC 9-4-7(a)(2) and 105 IAC 9-4-10(c) is stated in the General Response above.

In this particular case, the logo signs on I-465 at Exit 31 were installed between 2009 and 2011 and Exit 31 is currently a service interchange. This exit will remain a service interchange until completion of both the interchange modification on I-465 at Exit 31 and the new interchange on US 31 at 106<sup>th</sup> St, which is expected to occur in 2016. At that point the exit will become a system interchange and the six logo signs must be permanently removed. However, logo signs will be allowed, where space is available, on the new US 31 freeway in Hamilton County.

The new US 31 freeway in Hamilton County will result in 9 new service interchanges that are eligible for logo signs. It is estimated that there will be space for approximately 30 logo signs at the 9 service interchanges, so even though the 6 logo signs would be removed at the new system interchange on I-465 at US 31, there would still be a net gain of approximately 24 logo signs from the project. These new logo signs will assist visitors to Hamilton County in locating gas, food, and lodging services.

Lastly, since the primary concern is about logo signs for lodging services, it is important to note that gas and food services have a higher priority under 105 IAC 9-4-10(d), and that it would not be possible to display the logo panels for all 11 hotels on the hospitality corridor from I-465 at

Exit 31. Currently 8 of the 11 hotels have logo panels displayed at this exit, although 2 of the 8 could be bumped at anytime by an eligible gas or food business under the priority rules in 105 IAC 9-4-11(c). As a result, the new US 31 freeway will increase the opportunity for all hotels along the corridor to display logo panels.

Oral Comment 2:

Mark Newman

Executive Director, Indiana Office of Tourism Development  
Indianapolis, Indiana

*My name is Mark Newman and I am the Executive Director of the Indiana Office of Tourism Development and to echo those preceding comments, the impact of adopting this rule change has far reaching effect on Central Indiana but also the entire State of Indiana.....directly affecting the seventy-one million visitors that come to Indiana.....to create a visitor experience that's consistent with what we envision achieving for our visitors, and also providing accommodations for residents of our state.....it's made far easier by having a signage program in place that does allow them to access services, lodging, dining and other amenities with greater ease. In the particular case of U.S. 31 the population explosion that's taking place there among residents as well as the incredible growth that's taking place among assets and attractions that are driving visitors to that area.....it calls for a signage program that offers greatly flexibility so that the services that exist there can be clearly communicated to motoring travelers.*

INDOT Response

Overall, the proposed rule does allow more flexibility for eligible destinations near freeway service interchanges to participate in the logo sign program. The proposed rule would broaden the definition of a freeway in 105 IAC 9-4-4 to include segments of express or limited access highways with grade separated interchanges. The broader definition would allow logo signs at about 26 interchanges statewide, including for example destinations near the new Hoosier Heartland Highway between Lafayette and Logansport, near the Lincoln Boyhood National Memorial and other cultural sites on US 231 in Spencer County, or destinations on Lake Monroe near SR 37.

Regarding US 31 in Hamilton County, the General Response on page 1 addresses the inherent difficulties in extending the logo sign program to system interchanges. However, as noted in the response to Oral Comment 1, the new US 31 freeway in Hamilton County will result in 9 new service interchanges and a net gain of approximately 24 logo signs. Additionally, other guide signs could be considered to direct motorists and other road users on I-465 such as a "Carmel Next 3 Exits" sign on eastbound I-465 in advance of Exit 27 and westbound in advance of Exit 33.

Oral Comment 3:

Jesse Stauffer

General Manager, Staybridge Suites  
Carmel, Indiana

*My name is Jesse Stauffer and I am the general manager of the Staybridge Suites in Indianapolis and Carmel.....I'd like to thank Joe and Rickie for hearing us today and taking the*

opportunity to talk about this issue. The proposed removal of our logo signs on the U.S. 31 I-465 exit could have a huge impact on our business and create potential hardship. Represented here with me today are all of the hotels along U.S. 31, Hamilton County Tourism, as Brenda spoke to.....also the Carmel Chamber of Commerce.....all of which are in support of changing the current stated laws regarding placement on this interchange. My property is one of eleven hotels along the Carmel hospitality Corridor.....off of U.S. 31 and Pennsylvania Avenue exit. These hotels consist of major reputable brands including many brands within Marriott, Hilton and the Inter-Continental hotel group among them. This market and industry are big business in Carmel and provide millions of dollars in both community and state taxes. Today I'm speaking on behalf of the many hotels here today and I'd like to share some stats as well with you guys about our industry. As Brenda mentioned, there are eleven hotels that exists currently on the corridor representing one thousand three hundred ninety-six (1,396) rooms within our market and by 2016 it's anticipated that there could be as many as fifteen (15) hotel lodging properties in our market as well. U.S. 31 hotels represent a total employment of about four hundred (400) people in our community and on any given evening, about two thousand (2,000) visitors are looking for hotel rooms along our corridor. So those visitors that are coming to our area are definitely going to be impacted by the signage. Walk in business for our hotels may vary depending on how close we are to the highway but that passer by traffic or the motorists that do stop in on our corridor could represent anywhere from four (4) to ten (10) percent of our top line revenue.....so if those signs were removed we could potentially see that loss of business for us. As a business manager along this corridor, I and other hotels who have joined me today, have serious concerns about the damages and removal of these signs and what they'll do to our business. These signs are vital not only to our business but to the guests and visitors of Carmel to navigate the area. In talking to Indiana Logo and Sign group and with you guys.....and obviously we appreciate the communication.....there have been possible alternative locations for if they do replace the signs from four sixty-five (465) to placing them on U.S. 31.....looking at those alternatives whether or not those signs would be relocated to the north side of four sixty-five (465) or the south side of four sixty-five (465) .....really would not be beneficial to those hotels as most of us can't be seen, visibly from U.S. 31 and wouldn't necessarily require a sign to tell people where to go.....so that visibility and along with the decrease in motorist that are passing along that thirty-one (31) route versus the four sixty-five (465) route, would not make good business sense for any of the hotels to participate in sign age program in the future as their return on investment would be significantly less for us. The option that Indiana Logo and Sign presented is to amend the current state laws and definitions to distinguish between an interstate and freeway to freeway. That would allow our signs to remain and for businesses to thrive in this market. We understand that it may not be easy to change these rules and specifically section four (4).....as you guys mentioned, but we challenge you to find the best solution and resolution for not only your motorist, but also our visitors and our guests of Carmel.....so thank you.

#### INDOT Response

Similar to Oral Comment 1, the commenter is concerned about the fate of 6 logo signs on I-465 at Exit 31 for US 31 and North Meridian Street upon completion of the US 31 freeway project in Hamilton County. INDOT's position regarding changes to 105 IAC 9-4-7(a)(2) and 105 IAC 9-4-10(c) is stated in the General Response on page 1.

The commenter is also concerned that logo signs on the new US 31 freeway will not be as valuable as the logo signs on I-465 due to the businesses having greater visibility from US 31 and the lower traffic volume on US 31. Whether logo signs are worthwhile is up for each eligible business to decide, however, regarding the traffic volumes it is anticipated that the traffic on the US 31 freeway will increase to 65,000 vehicles per day when it opens and reach 90,000 vehicles per day in 2035 (the traffic volumes were roughly 50,000 vehicles per day in 2010). By comparison the traffic volume on an average interstate segment is about 40,000 vehicles per day.

## WRITTEN COMMENTS

### Written Comment 1:

Erik Scheub

Small Business Ombudsman,

Indiana Office of Small Business and Entrepreneurship

Indianapolis, Indiana

10/1/2014

*The Indiana Office of Small Business and Entrepreneurship (OSBE) was recently contacted by a group of small business owners in regard to 105 IAC 9-4. An amendment to this rule has been proposed to broaden the definition of the term “freeway”, improve sign spacing and visibility requirements, extend the grandfathered date for nonconforming signs and update the eligibility requirements for participation in the logo sign program. In addition to these rule changes, the proposal calls for striking language that prohibits freeway to freeway signage. The matter of freeway to freeway signage is of particular importance to these businesses.*

*Current Indiana Department of Transportation (INDOT) policy that prohibits freeway to freeway signage is overly restrictive and will have an adverse affect on small businesses that depend on traveling motorists for their livelihood. The US 31 corridor nearing completion between Old Meridian and 136<sup>th</sup> Streets is a case in point. When the policy prohibiting freeway to freeway signage was originally written, it did not contemplate the growth in population, expansion of small business, rapid increase in visitors or need for enhanced roadways in this area. Looking ahead to 2015 and beyond, the Grand Sports Complex alone is projecting that it will attract over one million visitors on an annual basis. Currently, hotels and restaurants along this section of US 31 account for over \$40 million annually in economic impact and this figure is only expected to grow. Proper information signage is necessary to safely and conveniently direct travelers off of our roadways, onto others and to their destinations. The absence of proper signage will negatively impact the growth trajectory of area businesses into the future as well.*

*On behalf of OSBE and small business owners impacted by the current policy, I encourage you to allow for freeway to freeway signage. It is my hope that this matter can be resolved amicably and to the satisfaction of INDOT and small business stakeholders, as well as the safety of motorists.*

### INDOT Response

INDOT’s position regarding changes to 105 IAC 9-4-7(a)(2) and 105 IAC 9-4-10(c) is stated in the General Response on page 1. The exclusion of logo signs at system interchanges is not based solely on INDOT’s determination but on federal regulations as well. Opportunities for advertising are available at locations that are visible from system interchanges but that are outside the highway right-of-way.

Written Comment 2:

William V. Drew

Managing Partner, Indiana Logo Sign Group

Carmel, Indiana

10/17/2014

*The undersigned, Indiana Logo Sign Group, an Indiana general partnership, respectfully requests that the Indiana Department of Transportation adopt a revised version of the above-referenced proposed rule, which revised version:*

*(1) Amends 105 IAC 9-4-7(a)(2) to be as follows:*

*(2) ~~Freeway~~ Interstate to ~~freeway~~ interstate interchanges.*

*(2) Amends 105 IAC 9-4-10(b) to be as follows:*

*(b) The specific service signs shall (absent extraordinary circumstance) be erected between the previous interchange and eight hundred (800) feet minimum in advance of the exit lane taper, or the general motorist service sign if present, at the interchange from which the services are available. There shall (absent extraordinary circumstances) be at least seven hundred twenty (720) feet spacing between the signs and at least five hundred (500) feet visibility to a sign installed beyond a sight obstruction.*

*Thank you for your consideration of our request.*

INDOT Response

The suggested changes concern separate sections of the Indiana Code and each will be addressed separately. Regarding the first suggestion to prohibit logo signs only at interstate to interstate interchanges, INDOT's position regarding changes to 105 IAC 9-4-7(a)(2) is stated in the General Response on page 1. Also, the suggested language would allow logo signs for traffic going in the reverse direction (e.g. from US 31 to I-465 or from SR 912 to I-80/94). INDOT does not support allowing logo signs directing motorists from a freeway to an interstate.

As for the second suggestion concerning 105 IAC 9-4-10(b), INDOT understands that language to clarify a term can be helpful in resolving possible questions about the interpretation of a term or its application in a particular case in the future. However, INDOT's position is that adding the suggested language "absent extraordinary circumstances" would create too much uncertainty about proper application of this subsection in the future. As a result, INDOT will work with the Attorney General's Office to determine if the term "previous interchange" can be clarified in the final rule without further rulemaking.

Written Comment 3:

Zachary Donofrio

General Manager, Holiday Inn Indianapolis – Carmel

Carmel, Indiana

10/29/2014

*My name is Zachary Donofrio General Manager of the Holiday Inn Indianapolis – Carmel. First I would like to thank you for your consideration on this matter. The proposed removal of the current logo signage program by INDOT from the new I-465/US 31 interchange will create potential hardship on all of the businesses that participate in that program.*

*My property is one of 11 hotels in the Carmel Hospitality Corridor off US 31/Pennsylvania Avenue. These hotels consists of major reputable brands with Marriott, Hilton, and IHG among them. This market and industry are big business in Carmel and provide Millions of dollars in both county and state taxes.*

*11 hotels exist currently along the corridor, representing 1,396 hotel rooms, and by 2016 it is anticipated as many as 15 lodging properties will be in the vicinity*

- US 31 hotels represent total employment of approximately 400 people in our community*
- On any given evening, about 2,000 visitors are looking for hotel rooms along the corridor*
- Walk-in business for any of the given hotels equates to anywhere from 4% to 10% of top line revenue*

*As a business manager along this corridor, I have serious concerns about the damages the removal of these signs will do to our business. These signs are vital to not only our business but for our guests and visitors of Carmel to navigate the area.*

*In talking with Indiana Logo Sign group they have provided us with possible alternative locations to where the signs might be relocated along US 31. Whether they would be placed North or South of 465 they would do very little for the hotels presence as most hotels would be directly visible from 31 and would have no need for the sign. Alike, with the decrease in motorists along this route, it would not make good business sense for us to participate in the sign program in the future as the return on investment would be significantly less.*

*The option that Indiana Logo and Sign have presented, is to amend the current rules and definitions to distinguish between “interstate to interstate” and “freeway to freeway”. That would allow for the signs to remain and for business to thrive in this market. We understand it may not be easy to change these rules but we challenge you to find the best solution for our motorists and for the businesses at this interchange.*

#### INDOT Response

INDOT's position regarding changes to 105 IAC 9-4-7(a)(2) and 105 IAC 9-4-10(c) is stated in the General Response on page 1.

The comment also raises the concern that logo signs on the new US 31 freeway may not be as valuable as the logo signs on I-465 due to the businesses having greater visibility from US 31 and the lower traffic volume on US 31. As indicated in the response to Oral Comment 3 on page 5, whether logo signs are worthwhile is up for each eligible business to decide, however, a business that is visible from US 31 now may not be as visible when the freeway is completed. The new US 31 will feature a collector/distributor roadway in each direction from I-465 to 106<sup>th</sup> St and auxiliary lanes between interchanges will also be constructed, along with an overpass for 111<sup>th</sup> and 126<sup>th</sup> streets.

#### Written Comment 4:

James Brainard  
Mayor, City of Carmel  
Carmel, Indiana  
10/27/2014

*I am writing in support of the hotels along our U.S. 31 hospitality corridor in Carmel.*



*These hotels have about 1,400 rooms, which represents about 350,000 hotel room stays and generates more than \$34 million in direct spending each year. The properties are vital to our economy and help welcome the many visitors who come to Carmel for business, leisure, meetings or sports activities.*

*More than 75 corporate and regional headquarters exist in Carmel. These businesses generate a large percentage of our hotel usage. The \$34 million in revenue produced by our hotel industry is an integral part of our business environment.*

*I urge you to support a change that would allow signage along I-465 near the U.S. 31 corridor to be grandfathered in after the completion of the U.S. 31 expansion project.*

#### INDOT Response

INDOT's position regarding changes to 105 IAC 9-4-7(a)(2) and 105 IAC 9-4-10(c) is stated in the General Response on page 1. However, as noted in the response to Oral Comment 1 on page 3, the new US 31 freeway in Hamilton County will result in 9 new service interchanges and a net gain of approximately 24 logo signs. It is INDOT's view that the logo signs on US 31 will better assist visitors heading to Carmel in finding gas, food, and lodging services. After all, visitors heading to Carmel will first need to identify the appropriate Carmel exit from I-465 and then if the appropriate exit is US 31, they will look for their destination whether it be gas, food, or lodging services.

#### Written Comment 5:

Tania Castroverde Moskalenko  
President, The Center for the Performing Arts  
Carmel, Indiana  
10/30/2014

*As one of Hamilton County's largest travel destinations, the Center for the Performing Arts in Carmel relies on its hospitality partners to provide an overall quality experience to our out-of-area guests.*

*Our artists, support crews and guests all rely on the ten-plus hotels that exist along what is now known as U.S. 31 and the informational logo signage along I-465 that helps direct them there.*

*Hospitality from the moment someone enters Hamilton County, to when they find their seat at one of our three performing arts venues in downtown Carmel, to the time they leave is critical in inspiring return visitation and spreading the good news about Carmel as a travel destination. And it is indeed a travel destination. From 2011 to 2014, we have welcomed guests from all 50 states. Signage on I-465 assists with their travel. It is important that we do everything we can to continue attracting these visitors who stay here and spend money here.*

*Please consider allowing these important way finding signs to be retained after the completion of the US 31 expansion project.*

#### INDOT Response

INDOT's position regarding changes to 105 IAC 9-4-7(a)(2) and 105 IAC 9-4-10(c) is stated in the General Response on page 1. However, as noted in the response to Oral Comment 1 on page 3, the new US 31 freeway in Hamilton County will result in 9 new service interchanges and a net gain of approximately 24 logo signs. Additionally, as noted in the response to Written Comment 4, the logo signs along US 31 will better assist visitors with finding gas, food, and lodging

services if they are heading to a specific destination that is accessible from US 31, such as the Center for the Performing Arts.

Written Comment 6:

Jennifer S. Jones

Area General Manager, Clay Terrace and Village Park Plaza

Carmel, Indiana

11/7/2014

*I would like to submit a concern regarding the removal of the logo signage at the I-465/US31 interchange. I believe this signage strongly supports the restaurants and retailers at Clay Terrace, in Carmel, IN and Village Park Plaza, in Westfield, IN and along the entire US31 corridor. Removing the signage would cause decreases in sales among the merchants at Clay Terrace and Village Park Plaza and have a significant negative economic impact with a number of the hospitality businesses in the corridor. I also believe the removal of the signage would cause a negative impact to the perspective that visitors have of "Hoosier Hospitality" as it would make it more difficult for visitors to find their destinations. In addition, the success of businesses in both Clay Terrace and Village Park Plaza contributes greatly to the local economy with a hundreds of local residents working in the stores and restaurants at these properties. These local residents would have their livelihoods negatively impacted if the businesses where they work as not as successful. I strongly encourage you to think of the multitude of people - both Hoosier and our visitors- that will be negatively affected if you to continue with plans to remove this signage.*

INDOT Response

INDOT's position regarding changes to 105 IAC 9-4-7(a)(2) and 105 IAC 9-4-10(c) is stated in the General Response on page 1. It has also been noted in the response to Oral Comment 1 on page 3, that the new US 31 freeway in Hamilton County will result in 9 new service interchanges and a net gain of approximately 24 logo signs.

In addition, it should be noted that the typical distance passing motorists will travel for motorist services such as gas, food, and lodging is 3 miles and that Clay Terrace and Village Park Plaza are approximately 5 miles from I-465. As a result, INDOT's position is that logo signs on US 31 interchange with 146<sup>th</sup>/151<sup>st</sup> streets will better serve these properties.

Written Comment 7:

S. Williamson

Owner, ASC Graphics

Pendleton, Indiana

11/15/2014

*RE: Highway Logo Sign program: As the owner of an independent signage business company and Indiana taxpayer, I find it incomprehensible that the State of Indiana has allowed the contracted raping of business by the Indiana Logo Sign Group. As a matter of professional business and responsibility to the taxpayers of Indiana, you must cancel this ludicrous contract at once and allow for open contract bidding. It is inexcusable that this has been allowed to go on as long as it has without transparency or open bids. It is nothing short of robbing the residents of Indiana out of their due profits from such activities.*

### INDOT Response

The proposed rulemaking would not directly affect the contract between the State and Indiana Logo Sign Group. Since the purpose of the public comment period is to take comments about the proposed rule, INDOT will not address the specific statements in this comment, which clearly go outside the scope of the public comment period, beyond stating that 1) the logo sign program is a voluntary program between eligible businesses and INDOT and it is not expected that an eligible business will participate unless the revenue generated from displaying a logo panel exceeds the cost and 2) INDOT receives a share of the revenue which in turn helps the taxpayers by bolstering INDOT's budget.

### Written Comment 8:

Carl Zurbriggen  
President, Griffith Chamber of Commerce  
Griffith, Indiana  
11/17/2014

*As a representative of the Griffith Chamber of Commerce, I am in favor of the proposed rule amendment. Our hopes coincide with future permission for logo signage at I-94, Exit 5.*

### INDOT Response

I-94 at Exit 5 is a hybrid system interchange since SR 912 is a freeway north of I-94 and there is a single exit ramp to both directions of SR 912. INDOT's position regarding changes to 105 IAC 9-4-7(a)(2) and 105 IAC 9-4-10(c) is stated in the General Response on page 1.

### Written Comment 9:

Michael Christian  
General Manager, SpringHill Suites Indianapolis Carmel  
Carmel, Indiana  
11/17/2014

*The proposed removal of the current logo signage program by INDOT from the new I-465/US 31 interchange will create potential hardship on all of the businesses that participate in that program. Represented here today are all of the hotels along the US 31 corridor, Hamilton County Tourism, Carmel Chamber of Commerce, Simon Malls, and the local restaurants and gas stations on the interchange. All of which are in support of changing the current stated laws regarding the signage.*

*The Springhill Suites Carmel, IN is not in support for the removal of hotel exit signage. Hotel signage plays a crucial part of our guest destination. The construction around our hotel has already created a dramatic impact on detouring to our hotels; to remove the signs would not only make it harder for our guests to locate us but will directly affect our top line revenue. I am unsure how this new ordinance helps the businesses in the Carmel area. In fact, this will only demoralize our business community and help drive revenue to other parts of Indy. We really need to focus on the huge benefits of interstate signage. These signs provide reassurance to our guests as they get close to their destination. It helps alleviate the feeling of being lost and confused. Our guests are always in need of reassurance while traveling in unknown territories. At our location alone, we receive about 3 visitors a day looking for rooms. That's a potential loss of 1095 room nights and equates to \$152,205.00 That is a huge concern at our property and an unnecessary risk.*

## INDOT Response

INDOT's position regarding changes to 105 IAC 9-4-7(a)(2) and 105 IAC 9-4-10(c) is stated in the General Response on page 1. Also to clarify, this clause in (a)(2) of 105 IAC 9-4-7 has been in the Indiana Administrative Code since 1992.

INDOT understands the benefit that logo signs have to participating businesses and as indicated in the response to Oral Comment 3 on page 5 as well as the response to Written Comment 3 on page 9, there will be benefit to having logo signs on US 31. Traffic on the US 31 freeway is predicted to increase to 65,000 vehicles per day when it opens and reach 90,000 vehicles per day in 2035 (the traffic volumes were roughly 50,000 vehicles per day in 2010). By comparison the traffic volume on an average interstate segment is about 40,000 vehicles per day.

### Written Comment 10:

Gus Parianos

Owner, Jedi's Garden Restaurant

Griffith, Indiana

11/19/2014

*I, Gus Parianos, owner of Jedi's Garden Restaurant and board member of the Town of Griffith Economic Development Committee, would like to inquire about a highway logo sign for the I-94 exit #5 (Cline Ave.) It is my understanding that there is a state regulation in place that makes this interchange ineligible for logo signage. If the regulation would be overturned, it would be beneficial for the following reason;*

- It would provide INDOT with additional revenue*
- It would provide motorist additional opportunities to find food, fuel, and lodging choices.*
- A Logo sign off of one exit would help economic growth for three different communities (Hammond, Highland, Griffith)*

*Please take this into consideration and I hope that this regulation may be overturned. Thank you in advance!*

*Upon researching other states and their highway logo signs, I was curious to wonder if possibly we could propose a solution if the state was to oppose an overturned ruling on the regulation concerning I-94 exit 5 ramp.*

- a) to benefit all businesses off of any exit ramp, would they consider every year or so moving the logo signs from one ramp to the next if they deem that the exits along I-94 are too congested and find it to be a distraction from driving. By allowing this, at some point or another all participating businesses would benefit from a highway logo sign off of their distinct exit, or*
- b) possibly do what the Arizona Department of Transportation did in 2013 and gave the rights to logo signage to the highest bidder. From this, the state would possibly be able to generate more revenue by placing highway logo signage on an exit that caters to more participating businesses than one that has limited businesses and thus less revenue for the state.*

#### INDOT Response

I-94 at Exit 5 is a hybrid system interchange since SR 912 is a freeway north of I-94 and there is a single exit ramp to both directions of SR 912. INDOT's position regarding changes to 105 IAC 9-4-7(a)(2) and 105 IAC 9-4-10(c) is stated in the General Response on page 1.

Regarding the first suggestion to alternate logo signs at exits in urban areas and other locations with close interchange spacing, the issue with Exit 5 on I-80/94 is not the spacing between exits but the fact that this exit is a system interchange. And regarding the second suggestion, the contract arrangement with Indiana Logo Sign Group is outside the scope of the proposed rulemaking and the Indiana Administrative Code in general.

#### Written Comment 11:

William Knox

Director, Hamilton County Sports Authority

Carmel, Indiana

11/20/2014

*As director of the Hamilton County Sports Authority, I work with the large tournaments and events that bring in tens of thousands of competitive players, their support teams and their families to Hamilton County.*

*Providing hospitality services is one of the things the HCSA does, and in doing so, helping visitors get to their lodging locations is as imperative as getting them to their playing venue.*

*Sports travel is huge business in Hamilton County, what with Grand Park, the ice arena in Carmel and numerous other venues on the westside of the county, including Crooked Stick and its propensity to host national golf tournaments.*

*The hotels along the US 31 Carmel Hospitality Corridor play a significant role in the success of these events, and getting people to this corridor is vital.*

*It would be a detriment to remove the logo directional signs along I-465 for for many reasons, but especially for the robust sports business we do there.*

*Thank you for hearing my concerns, and I do hope INDOT will understand that this is an unusual situation and extremely important to the local economy.*

#### INDOT Response

INDOT's position regarding changes to 105 IAC 9-4-7(a)(2) and 105 IAC 9-4-10(c) is stated in the General Response on page 1. However, as noted in the response to Oral Comment 1 on page 3, the new US 31 freeway in Hamilton County will result in 9 new service interchanges and a net gain of approximately 24 logo signs. It is INDOT's view that the logo signs on US 31 will better assist visitors heading to Grand Park or to Carmel in finding the lodging services that they may need.

#### Written Comment 12:

Brenda Myers

Executive Director, Hamilton County Tourism Inc.

Carmel, Indiana

11/20/2014

*While I spoke at the public hearing on this matter, I feel the need to reiterate our concerns regarding the proposed legislation to remove the logo lodging signs on I-465 at the new US 31 interchange.*

*Tourism is big business in Hamilton County. It's the third largest employer, and it contributes almost \$800 in tax savings to every household here.*

*More than 2 million visitors come to Hamilton County for business, leisure, meetings and sports, and more than 50% of them stay on the Carmel Hospitality Corridor, along the US 31 throughway.*

*Today's mobile technology certainly allows for easier access to directions, but there's nothing like a good way-finding sign to help visitors know they're in the right place. In addition, studies show that a percentage of business surprisingly still comes from truly transient visitor -- who sees lodging opportunity and stops for the night.*

*As of November 1, more than 7,500 rooms were being sold on this corridor each week. That means well over 10,000 people were making their way to the US 31 corridor to stay the night. Business travelers, hospital patients or their families, youth sports teams, leisure travelers and group meeting travelers all wanting to find their way safely to their rooms.*

*Not only is this a huge economic impact on the area, it also is a showcase opportunity for this great community.*

*And that business is about to grow. More hotels are planned for the corridor, the Mormon Temple will open in 2015 bringing with it more than 500 pilgrims a week, Grand Park will more than double its participation in 2015 to more than 50,000 room nights ... and the business corridor there continues to expand.*

*Please consider the impact on the traveler in the removal of these important logo signs along I-465 as well as the community.*

#### INDOT Response

INDOT's position regarding changes to 105 IAC 9-4-7(a)(2) and 105 IAC 9-4-10(c) is stated in the General Response on page 1. However, as noted in the response to Oral Comment 1 on page 3, the new US 31 freeway in Hamilton County will result in 9 new service interchanges and a net gain of approximately 24 logo signs. The logo signs along US 31 will better assist visitors with finding gas, food, and lodging services if they are heading to specific destinations that are accessible from US 31, such as Grand Park in Westfield or the LDS Indiana Temple currently under construction.

#### Written Comment 13:

Tim Monger

President, Hamilton County Economic Development Corporation

Carmel, Indiana

11/20/2014

*As the leader of Hamilton County's economic development agency, I work closely with our communities on business attraction. Carmel in particular has done an outstanding job attracting corporate headquarters and back-end office service industries to the area --with dozens and dozens of companies calling this community their home.*

*With those corporations comes the business transient traveler as well as numerous small business meetings and groups along the US 31 Carmel Hospitality Corridor. This weekday*

*business adds up to more than 70% occupancy on average in the more than 1600 hotel rooms that currently exist in the corridor.*

*The economic impact of this weekday business tourism cannot be underestimated. And the infrastructure needed to support this kind of business volume is vitally important to Carmel and to Hamilton County.*

*The removal of the I-465 logo signs would significantly diminish the way finding and hospitality opportunities of this business district.*

*I strongly urge you to support keeping the signage through whatever means works best for your public policy, but understanding the unique nature of this vital economic area.*

#### INDOT Response

INDOT's position regarding changes to 105 IAC 9-4-7(a)(2) and 105 IAC 9-4-10(c) is stated in the General Response on page 1. However, as noted in the response to Oral Comment 1 on page 3, the new US 31 freeway in Hamilton County will result in 9 new service interchanges and a net gain of approximately 24 logo signs. It is INDOT's view that the logo signs on US 31 will better assist visitors heading to Carmel in finding gas, food, and in particular the lodging services that they may need.

#### Written Comment 14:

Jesse Stauffer

General Manager, Staybridge Suites

Carmel, Indiana

11/20/2014

*11 hotels in the Carmel Hospitality Corridor off US 31/Pennsylvania Avenue. These hotels consists of major reputable brands with Marriott, Hilton, and IHG among them. This market and industry are big business in Carmel and provide Millions of dollars in both county and state taxes.*

- 11 hotels exist currently along the corridor, representing 1,396 hotel rooms, and by 2016 it is anticipated as many as 15 lodging properties will be in the vicinity*
- On any given evening, about 2,000 visitors are looking for hotel rooms along the corridor*
- Walk-in business for any of the given hotels equates to anywhere from 4% to 10% of top line revenue*
- In any given year, almost 350,000 hotel rooms are sold along the corridor*
- The direct economic impact of lodging along the corridor is \$35-\$40 million*

*In talking with Indiana Logo Sign group they have provided us with possible alternative locations to where the signs might be relocated along US 31. Whether they would be placed North or South of 465 they would do very little for the hotels presence as most hotels would be directly visible from 31 and would have no need for the sign. Alike, with the decrease in motorists along this route, it would not make good business sense for us to participate in the sign program in the future as the return on investment would be significantly less.*

*The option that Indiana Logo and Sign have presented, is to amend the current rules and definitions to distinguish between "interstate to interstate" and "freeway to freeway". That would allow for the signs to remain and for business to thrive in this market. We understand it may not be easy to change these rules but we challenge you to find the best solution for our motorists and for the businesses at this interchange.*

*While it is understood that freeway-to-freeway signage may not help the consumer in this unique situation at the Carmel exit, hotel signs serve a different function other than a quick food stop. These hotels are part of the destination, and thus the need for very quick access back onto the interstate is not as imperative as it might otherwise be. Don't spend money to take these signs, that do serve a purpose. Leave them be!*

INDOT Response

INDOT's position regarding changes to 105 IAC 9-4-7(a)(2) and 105 IAC 9-4-10(c) is stated in the General Response on page 1. INDOT's response to the suggestion from Indiana Logo Sign Group is on page 7.

INDOT does understand the benefit that logo signs have to participating businesses and as indicated in the response to Oral Comment 3 on page 5 as well as the response to Written Comment 3 on page 8, there would still be some benefit to having logo signs on US 31. It is true that hotels are frequently destinations in themselves for business meetings, conferences, weddings, and other family celebrations, however the logo sign program was developed for motorists passing through an area, and so convenience of reentry in the same direction of travel is one of the program requirements.

Written Comment 15:

J. Andrew Cook  
Mayor, City of Westfield  
Westfield, Indiana  
11/20/2014

*In 2014, Westfield opened the largest multi-sport youth competitive park in the country – Grand Park. It's anticipated almost a million people will walk through the gates this year, and more than 25,000 hotel room nights will be generated when we do the finale tally.*

*And that's just the first year.*

*While Westfield is working hard to attract the hospitality sector to the area adjacent to Grand Park, we are a number of years away from fully developing that area. And even when we do, the hotels along the US 31 corridor south of us will continue to be an important part of our hospitality offerings.*

*We believe when we're fully built out, that almost 100,000 room nights annually will be generated by Grand Park each year. That's tens of thousands of visitors making their way from the north, south, east and west to stay in our hotels, eat at our restaurants, shop in our stores and play on some of America's most amazing fields.*

*The hotels along the US 31 corridor are vital to us. They're vital not only to our hospitality, but to our economy, and the directional log signs off I-465 that INDOT is considering taking down, are also vital to our hospitality and to our economy.*

*If you are a parent driving a van full of baseball youth to the hotel, and you're coming from I-465, you need to know that you can reach your hotel safely and easily. Despite mobile technologies, study after study shows the importance of good way finding.*

*Please do not support administrative code that would not allow for this important hospitality service to our visitors. Carmel and Westfield are major players in the tourism industry, and the signage leading to all of the amenities along this corridor in these two growing cities, is vital in so many ways.*



### INDOT Response

INDOT's position regarding changes to 105 IAC 9-4-7(a)(2) and 105 IAC 9-4-10(c) is stated in the General Response on page 1.

As indicated in the response to Written Comment 5 on page 9, the typical distance motorists are willing to travel for gas, food, and lodging services is 3 miles. But Westfield is more than 5 miles from I-465 and so logo signs along US 31 would better assist visitors heading to Grand Park or another destination in Westfield with finding the gas, food, and lodging services they may need. Also, Westfield is listed as a destination city on the overhead guide signs for US 31 North. Some of these signs have already been installed but more will be installed as construction of the new freeway continues.

### Written Comment 16:

Jeffrey Brown  
Schahet Hotels  
Indianapolis, Indiana  
11/21/2014

*Our company owns and manages the Hampton Inn in Carmel on US 31/Meridian Street approximately three miles north of I-465. The purpose of this letter is my concern that the logo signage on I-465 advising travelers that the upcoming exit is to be used to get to our hotel may be in jeopardy of being removed – the reason being logo signage is not allowed from one freeway to another.*

*The work being done on US 31/Meridian Street is to make it a limited-access highway. US 31, though, has always been a highway. I do not believe with the changes being made it should be reclassified as a freeway. There is more economic damage and traveler confusion caused by the reclassification and removal of the signage than the intent of redefining US 31/Meridian Street as a freeway.*

*US 31/Meridian Street is a major conduit to many businesses along this corridor. This includes 1,400 hotel rooms that currently exist along this route. These hotels employ over 400 people in the community and draw over 2,000 visitors looking for hotel rooms every night. In addition, the hotels attract business because of these logo signs. This walk-in business (guests without reservations) accounts for 4 to 10% of total business of the hotels in the corridor.*

*Many of the facilities along US 31/Meridian Street cannot be seen from the interstate. The logo signage program has helped our guests not familiar with the area conveniently reach our property. I can assure you that without these signs people will wonder whether or not to exit I-465 since most other major exits on I-465 have logo signage. People do not like to pull off an exit if they are not sure the business they are looking for is at that exit. These signs help relieve a concern for the traveling motorist. This could also impact our revenues if the guest decides to pull off at another exit with logo signage and stay at a hotel there. We anticipate removal of these signs will cause more confusion with the increased amount of visitors going to Grand Park Sports Complex in Westfield. Many of these travelers will be staying at hotels along this corridor.*

*Further, the logo signs are already in place, and the state will incur an expense to have them removed, as well as lose the revenue they receive from the program.*

*Lastly, US 31/Meridian Street in the true sense is considered by many of those who use it a street and not a freeway. The businesses refer to being on Meridian Street, not US 31, a “freeway”.*

*I appreciate your assistance in our efforts to retain the logo signage that is currently located on I-465 for the Meridian Street Exit.*

*If I can provide you with any additional information, please do not hesitate to contact me.*

#### INDOT Response

INDOT’s position regarding changes to 105 IAC 9-4-7(a)(2) and 105 IAC 9-4-10(c) is stated in the General Response on page 1. INDOT understands the benefit logo signs have to participating businesses, and as indicated in the response to Oral Comment 3 on page 5 as well as in the response to Written Comment 3 on page 8, there would still be some benefit to the logo signs on US 31.

Regarding the name of the roadway, it is true that US 31 follows the alignment of North Meridian Street from I-465 to Union Street in Westfield, and that even after construction is complete many of the properties with frontage along the roadway will continue to carry a North Meridian Street address. However, the construction work is upgrading the roadway to meet freeway design standards and after completion the roadway will not only be officially classified as a freeway but it will have the “look and feel” of a freeway as well – meaning that the logo signs will be of greater benefit along US 31 as opposed to I-465.

#### Written Comment 17:

Karen Stippich

Operations Engineer, Federal Highway Administration

Indianapolis, Indiana

11/21/2014

*Indiana Department of Transportation (INDOT) staff has asked me for clarification on whether Specific Service signs, also known as Logo Signs, may be placed preceding freeway to freeway interchanges. The clarification is needed in regard to the upgrading of US 31 in Hamilton County from a principal arterial to a freeway and the proposed rule to amend 105 IAC 9-4 pertaining to the Indiana Specific Service sign program.*

*The national Manual on Uniform Traffic Control Devices (MUTCD) provides the standards for design and placement of Specific Service signs in Section 2J. Specific Service signs may only be installed between the preceding interchange and the interchange from which the services are available, per national MUTCD Section 2J.06. The placement of Specific Service signs approaching a freeway-to-freeway interchange would not meet the standard, because there are no businesses directly accessible from a freeway. Freeways are defined as a divided highway with full access control. Access to a business along a freeway corridor is provided via interchanges to crossroads. Additionally, the national MUTCD does not provide an option to display the logos of businesses on Specific Service signs beyond one preceding interchange.*

*Once US 31 in Hamilton County becomes a freeway, the interchange will function as a freeway to freeway interchange. The Specific Service signs located on the I-465 preceding the US 31 interchange, at Exit 31 can no longer display logos for businesses along the US 31*

*freeway corridor. New Specific Service signs may be installed along US31 in Hamilton County preceding the interchange from which the businesses that provide eligible services, is available.*

*The use of supplemental messages on Specific Service signs needs to be clarified. All supplemental messages shall be displayed within the subject businesses logo panel of the sign, per Section 2J.03. For example, messages that indicate the hours of operation or a day the business is closed must be within the border of the individual business logo panel, not in the space between logo panels. Division staff has observed supplemental messages on Specific Service signs that do not comply to this standard.*

*If you have additional questions please let us know.*

#### INDOT Response

As noted in the General Response on page 1, INDOT concurs with FHWA's interpretation of Section 2J.06 and so INDOT is not pursuing any change to 105 IAC 9-4-7(a)(2). With respect to FHWA's observation regarding the placement of approved supplemental messages such as "CLOSED SUNDAY" or "DIESEL", INDOT will review the matter and follow-up with the program contractor.

#### Written Comment 18

Meredith Carter

Hamilton County Councilor

Noblesville, Indiana

11/21/2014

*As the Hamilton County Council representative for the Hamilton County Tourism Commission, I am writing to recommend the Indiana Department of Transportation to allow logo signs to remain at the new I-465 to US31 interchange.*

*The Carmel Hospitality Corridor as it is called is a major contributor to revenue in our county. The properties along this corridor sell more than 8,000 hotel rooms every week, generating out-of-area spending and in turn local wages, property taxes and other returns on investment.*

*Removing these vital signs will potentially dramatically impact these businesses along that vibrant and busy tourism corridor.*

*The usual concerns about limited access and challenges to consumers does not fit in this particular location and in fact are more needed than ever due to the nature of this exit.*

*Thank you for your consideration of this very important matter.*

#### INDOT Response

INDOT's position regarding changes to 105 IAC 9-4-7(a)(2) and 105 IAC 9-4-10(c) is stated in the General Response on page 1. However, as noted in the response to Oral Comment 1 on page 3, the new US 31 freeway in Hamilton County will result in 9 new service interchanges and a net gain of approximately 24 logo signs. It is INDOT's view that the logo signs on US 31 will better assist visitors heading to the Carmel Hospitality Corridor in finding gas, food, and lodging services they may need.